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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,381	09/08/2003	Tetsuya Onishi	KOY-0012	9386

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EXAMINER

ALLISON, ANDRAE S

ART UNIT PAPER NUMBER

2624

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,381

Applicant(s)

ONISHI, TETSUYA

Examiner

Andrae S. Allison

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2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on September 8, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/08/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 10 recites the limitation "wherein the additional information so as to have the medical image generating apparatus re-generate the medical image includes information for instructing the medical image generating apparatus to send any one of the medical image which already has been processed, and a combination of the medical image which has not been processed and contents of the image processing performed by the medical image generating apparatus". However, it is unclear as to whether a single image or multiple images are being processed, which renders claims 5 and 10 indefinite.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (Pub No.: 2003/0156745) in view of Aonuma (Pub No.: 2002/0060302).

An image management apparatus (e.g. 122, image display workstation) capable of receiving a medical image from a medical image generating apparatus (e.g. 101, X-ray CT) according to a radiographing order issued by an outer information management apparatus (e.g. 102, PACS server, see Fig 1) image-processing the medical image received ([0018], line 7), displaying the medical image image-processed along with accompanying information thereof (see [0018], lines 7-8, where the medical images are observed from image display workstation), and outputting the medical image and the accompanying information to at least one of an image forming apparatus and an image storage apparatus, (see [0018], lines 7-9, where two dimensional images, along with a report are outputs of the image display workstation) the image management apparatus comprising: a request section for requesting at least one of the medical image generating apparatus and the outer information management apparatus to have the medical image generating apparatus at least one of re-generate and re-send the medical image, (see [0023], lines 18-24, where a medical image is modified at a user terminal and the request is sent back to the PACS server for the modification and sent back to the user terminal) and in a case of being impossible to apply image processing suitable for at least one of image-forming in the image forming apparatus and image-storing in the image storage apparatus on the medical image received.

However, Saito does not specifically teach wherein the image management apparatus comprises an image forming apparatus. Aonuma teaches an image and information processor for images ([0020], lines 1-3) that includes image management apparatus comprising an image forming apparatus (e.g. image output device, 122). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the image and information processor of Aonuma to the image based medical report system of Saito for recording or outputting a processed image as a visible image ([0042], lines 1-4).

As to claim 6, all the limitations are discussed in claim 1 except a medical network system comprising: an image management apparatus, a medical image generating apparatus for sending a medical image to the image management apparatus, at least one of an image storage apparatus for storing the medical image outputted from the image management apparatus and an image forming apparatus for forming the medical image outputted in a recording medium therein.

Saito teaches a medical network system (see Fig 1) comprising: an image management apparatus (e.g. 122, image display workstation), a medical image generating apparatus (e.g. 101, X-Ray CT) for sending a medical image to the image management apparatus, at least one of an image storage apparatus (e.g. 102, PACS server) for storing the medical image outputted from the image management apparatus and an image forming apparatus for forming the medical image outputted in a recording medium therein.

As to claim 2, Saito teaches the apparatus wherein the request section sends additional information so as to have the medical image generating apparatus re-generate the medical image when requesting at least one of the medical image generating apparatus and the outer information management apparatus to have the medical image generating apparatus re-generate the medical image (see [0023], line 19, where the modified parameters are sent back to the PACS server).

As to claim 3, note the discussion above, Aonuma teaches the apparatus wherein the case of being impossible to apply image processing includes at least one of a case that a medical image image-processed by at least one of the medical image generating apparatus, the image management apparatus and the image forming apparatus is not optimum and a case that the accompanying information is insufficient (see [0068], lines 1-9, where an image is retaken if an operator notices that there is a mistake).

As to claim 5, as best understood, Saito teaches the apparatus wherein the additional information so as to have the medical image generating apparatus re-generate the medical image includes information for instructing the medical image generating apparatus to send any one of the medical image which already has been processed, and a combination of the medical image which has not been processed and contents of the image processing performed by the medical image generating apparatus

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([0041], lines 1-4).

As to claim 7, note the discussion of claim 2 above.

As to claim 8, note the discussion of claim 3 above.

As to claim 10, note the discussion of claim 5 above.

3. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (Pub No.: 2003/0156745) in view of Aonuma (Pub No.: 2002/0060302) further in view of Takeo (US Patent No.: 6,289,115).

As to claim 4, neither Saito or Aonuman teaches the apparatus wherein a medical standard network protocol is used for communication for requesting to have the medical image generating apparatus re-generate the medical image.

Takeo teaches a medical network system (column 1, lines 4-5), that includes wherein a medical standard network protocol (e.g. DICOM, column 3, line 5-7) is used for communication for requesting to have the medical image generating apparatus re-generate the medical image. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the medical network system of Takeo to the image based medical report system of Saito as modified by

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Aonuma to enables all devices connected on the medical network to communicate with each other effectively.

As to claim 9, note the discussion of claim 4 above.

Conclusion

The prior art made part of the record and not relied upon is considered pertinent to applicant's disclosure.

Ono (Pub No.: US 2003/0198371) is cited to teach a medical image processing apparatus.

Pourjavid (US Patent No.: 5,883,985) is cited to teach a method for compensating image data to adjust for characteristic of a network device.

Ogawa (US Patent No.: 6,577,753) is cited to teach a medical network.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrae S. Allison whose telephone number is (571) 270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

December 8, 2006

A.A.


JOSEPH MANCUSO
SUPERVISOR, PATENT EXAMINER